APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,795	02/01/2001	Travis Parry	10003180-1	2625

7590 03/15/2004	EXAMINER
HEWLETT-PACKARD COMPANY	BULLOCK JR, LEWIS ALEXANDER

Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/774,795	PARRY, TRAVIS
	Examiner	Art Unit
	Lewis A. Bullock, Jr.	2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 February 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____ .

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date <u>2</u>.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-3, 5, 8-10, 12, 15 and 18 are rejected under 35 U.S.C. 102(e) as being

anticipated by JEYACHANDRAN (U.S. 6,567,176).

As to claim 8, JEYACHANDRAN teaches a method for controlling a computer

system to perform a delayed operation, comprising: requesting that a user input a delay

criteria (response by user that the execution of the job should wait until the color printer

is not busy by selecting WAIT); and delaying performance of the operation (printing with

the color printer) until the delay criteria has been met (color printer is no longer busy);

wherein the operation comprises a print command (col. 26, lines 5-15).

As to claim 9, JEYACHANDRAN teaches the delay criteria is the occurrence of a

particular condition (until the color printer is no longer busy) (col. 26, lines 5-15).

As to claim 10, JEYACHANDRAN teaches the particular condition comprises detection of an idle printer (until the color printer is no longer busy) (col. 26, lines 5-15).

As to claim 12, JEYACHANDRAN teaches the operation comprises printing a document (file a is to be printed) (col. 26, lines 1-15).

As to claims 1-3 and 5, reference is made to a computer program product that corresponds to the method of claims 8-10 and 12 and is therefore met by the rejection of claims 8-10 and 12 above.

As to claims 15 and 18, reference is made to a computer system that corresponds to the method of claims 8-10 and 12 and is therefore met by the rejection of claims 8-10 and 12 above.

3.   Claims 1, 2, 5-9, and 12-20 are rejected under 35 U.S.C. 102(b) as being anticipated by "OpenVMS User's Manual" by Digital Equipment Corporation, DEC.

As to claim 15, DEC teaches a computing system comprising: a processor (OpenVMS operating system); a user-programmable delaying device operably connected to the processor (via DCL commands to the system); and a storage device operably connected to the processor (queue) (pgs. 4-13 – 4-15; pgs. 17-13 – 17-14). It is inherent in the teachings of DEC that since the computing system controls the printing of print jobs there must be a printer connected to the system for the jobs to execute.

As to claim 16, DEC teaches the delaying device can be delayed by a user-programmable time interval (delaying execution of a job for a specified time) (PRINT/AFTER) (pg. 4-15; pg. 17-13).

As to claim 17, DEC teaches the delaying device can be delayed until user-programmable time (delaying execution of a job for a specified time) (PRINT/AFTER) (pg. 4-15; pg. 17-13).

As to claim 18, DEC teaches the delaying device can be delayed until the occurrence of a user-programmable condition (hold the job until you explicitly release it) (PRINT/HOLD) (pg. 4-15; pg. 17-13).

As to claim 19, DEC teaches a job store (queue) (pgs. 4-13 – 4-15; pgs. 17-13 – 17-14).

As to claim 20, DEC teaches the job store comprises printer memory or a spooler (printer queue holding print jobs) (pgs. 4-13 – 4-15; pgs. 17-13 – 17-14).

As to claims 8, 9, 12-14, reference is made to a method that corresponds to the system of claims 15-20 and is therefore met by the rejection to claims 15-20 above.

As to claims 1, 2, and 5-7, reference is made to a computer program product that corresponds to the system of claims 15-20 and is therefore met by the rejection to claims 15-20 above.

4.   Claims 1, 2, 4, 8, 9, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by MULLALY (U. S. 6,304,909).

As to claim 8, MULLALY teaches a method for controlling a computer system to perform a delayed operation, comprising: requesting that a user input a delay criteria(sending the data at a specified time later); and delaying performance of the operation (sending of the data) until the delay criteria has been met (by the specified time); wherein the operation comprises a web site posting or file transfer command (col. 5, lines 1-52).

As to claim 9, MULLALY teaches the delay criteria is the occurrence of a particular condition (bandwidth condition) (col. 5, lines 1-52; col. 7, lines 5-8).

As to claim 11, MULLALY teaches the particular condition comprises detection of bandwidth availability on a network connection (col. 5, lines 1-52; col. 7, lines 5-8).
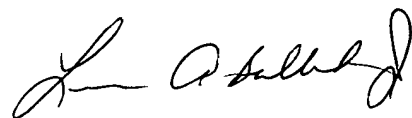
As to claims 1, 2, and 4, reference is made to a computer program product that corresponds to the method of claims 8, 9, and 11 and is therefore met by the rejection of claims 8, 9, and 11 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (703) 305-0439. The examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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